

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg (Charlottesville) Division**

**In re: CHRISTOPHER L. KENT
8568 Venable Road
Kents Store, VA 23084
xxx-xx-7299
Debtor.**

**Case No. 17-60279-RBC
Chapter 13**

SUPPLEMENTAL OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement (the “Division”) by counsel, and hereby files this supplemental objection to the confirmation of the chapter 13 plans filed on February 23, 2017 and April 25, 2017 by the debtor in the above-captioned case (the “Debtor”), and in support thereof respectfully states as follows:

1. On February 14, 2017 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code.
2. On February 23, 2017, the Debtor filed his proposed corrected chapter 13 plan (the “Plan”).
3. On April 5, 2017, the Division filed an objection to confirmation of the Plan based upon the Debtor’s post-petition default in support payments.
4. On April 11, 2017, the Court entered its Order continuing hearing on the Plan to June 15, 2017, including a requirement that the Debtor resume making regular current support payments by April 30, 2017 or appear and show cause why such payments have not been made.

Elizabeth L. Gunn, VSB No. 71044
Assistant Attorney General
Dept. of Social Services, Division of Child Support Enforcement
2001 Maywill Street, Suite 200
Richmond, VA 23230
804-367-8270
elizabeth.gunn@dss.virginia.gov

5. On April 25, 2017, the Debtor filed his modified plan (the “Modified Plan”). The Modified plan includes the Division’s claim for pre-petition support arrears, but no payment for any post-petition arrears.

A. The Debtor is Not Current With Post-Petition Domestic Support Payments

4. The Debtor has an open case with the Division and owes a claim for domestic support obligations.
5. The domestic support claims are entitled to priority under 11 U.S.C. § 507(a)(1).
6. Specifically, the Debtor is ordered to pay the following domestic support obligations:

Case Number	Monthly Support
4795813	\$302.87

7. Since the Petition Date, current support obligations for the months March through June 2017 have come due in the total amount of \$1,211.48.

8. The Debtor has not made any post-petition payments to the Division. Further, the Debtor has failed to comply with the Court’s order of April 11, 2017 in his failure to commence regular monthly current support payments on April 30, 2017.

9. In order to have a chapter 13 plan confirmed, a debtor must be current on his/her payment of post-petition child support obligations pursuant to 11 U.S.C. § 1325(a)(8)

WHEREFORE, for the reasons stated herein, the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement, respectfully requests that the Court deny confirmation of the Debtor’s chapter 13 plan and grant the Division such other and further relief as it deems just and proper.

Dated: June 8, 2017

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF SOCIAL SERVICES,
DIVISION OF CHILD SUPPORT ENFORCEMENT

/s/ Elizabeth L. Gunn

Elizabeth L. Gunn, VSB No. 71044
Assistant Attorney General
Dept. of Social Services
Division of Child Support Enforcement
2001 Maywill Street, Suite 200
Richmond, VA 23230
804-367-8270
elizabeth.gunn@dss.virginia.gov

Certificate of Service

I hereby certify that on the 8th day of June, 2017, I electronically filed the foregoing Objection to Confirmation of Chapter 13 Plan with the Clerk of Court using the CM/ECF system, which provides electronic notice of such filing to all parties that receive notice in this matter including the following:

Melvin A. Burruss, Esq.
Counsel for the Debtor

Herbert L. Beskin, Esq.
Chapter 13 Trustee

and mailed a copy of the foregoing by first class mail, postage prepaid, to the following non-CM/ECF participant:

Christopher L. Kent
8568 Venable Road
Kents Store, VA 23084

/s/ Elizabeth L. Gunn
Assistant Attorney General